

Amendment No. 1 to SB0583

Kelsey
Signature of Sponsor

AMEND Senate Bill No. 583

House Bill No. 477*

by deleting all language following the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-131, is amended by adding the following new subsection:

(c)

(1) This subsection shall apply to a juvenile who is adjudicated delinquent, but not committed to the custody of the department of children's services, for an act that if committed by an adult would be one (1) or more of the following offenses:

- (A) First degree murder, as prohibited by § 39-13-202;
- (B) Second degree murder, as prohibited by § 39-13-210;
- (C) Voluntary manslaughter, as prohibited by § 39-13-211;
- (D) Criminally negligent homicide, as prohibited by § 39-13-212;
- (E) Rape, as prohibited by § 39-13-503;
- (F) Aggravated rape, as prohibited by § 39-13-502;
- (G) Rape of a child, as prohibited by 39-13-522;
- (H) Aggravated rape of a child, as prohibited by § 39-13-531;
- (I) Aggravated robbery, as prohibited by § 39-13-402;
- (J) Especially aggravated robbery, as prohibited by § 39-13-403;
- (K) Kidnapping, as prohibited by § 39-13-303;
- (L) Aggravated kidnapping, as prohibited by § 39-13-304;

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(M) Especially aggravated kidnapping, as prohibited by § 39-13-305;

(N) Aggravated assault, as prohibited by § 39-13-102;

(O) Felony reckless endangerment, as prohibited by § 39-13-103;

(P) Sexual battery, as prohibited by § 39-13-505;

(Q) Aggravated sexual battery, as prohibited by § 39-13-504; or

(R) Any other Class A or Class B felony.

(2) If a court finds a juvenile to be delinquent as a result of an act listed in subdivision (c)(1), the court shall have broad discretion to issue orders and, in conjunction with representatives from the LEA, to change the educational assignment of the juvenile. The court shall involve representatives of the LEA, as necessary, to ascertain a proper educational assignment and the availability of secure educational facilities for the juvenile who, through actions of the court, is facing personal restrictions or being released with compulsory attendance in school as a condition of personal restriction or release. There shall be a presumption in favor of issuing a court order prohibiting the juvenile from attending the same educational placement as the victim.

(3) The court shall have discretion to determine how best to restrict future contact of the defendant with the victim while the victim is at school or in other public settings.

(4) When consulted by the court, the representatives of the LEA shall provide a list of alternatives to attendance at the school which is attended by the victim. This information shall include the availability of programs including another school assignment within the district, alternative school, virtual education, homebound instruction, adult education programs, and high school equivalency testing eligibility.

(5) The school resource officer shall be authorized to assist school officials in the enforcement of orders issued by the court and shall be made fully aware of the confidential nature of any order and the student's educational assignment.

(6) For a delinquent act that would be any offense not specifically enumerated in subdivision (c)(1), the court shall have the discretionary authority to enter orders that provide sanctions for the offense and, in consultation with school officials, limitations or conditions on attendance at school.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.